

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DAVID R. TROTTER,

Plaintiff,

v.

Case No. 05-C-1032

PHIL KINGSTON, ET AL.,

Defendants.

ORDER GRANTING MOTION TO SUBMIT DOCUMENTS UNDER SEAL

Plaintiff Trotter, an inmate confined at Waupun Correctional Institution (“WCI”), has brought an action alleging defendants were deliberately indifferent to his medical needs when they sprayed chemical incapacitating agents on or near him and allegedly ignored his pleas for help. Defendants have moved for leave to file under seal two prison policies—one regarding the use of incapacitating agents and the other addressed to cell entries and/or cell extractions.

In support of the motion, defendants point to important security and safety concerns. The procedures set forth in the policies are accessible only by WCI staff; in order to maintain the safety and security of staff and inmates, it is essential that these procedures not be made known to plaintiff or any other inmate. (Strahota Aff. ¶ 10.) If an inmate gained knowledge of these prison procedures, staff would lose the advantage of the element of surprise when dealing with behavioral problems, for the inmate, aware of staff’s next move, would be in a better position to take counter-action. (*Id.* ¶ 11.) Such a scenario would likely require staff to use greater force and thereby increase the potential for injury, both to staff and the inmate. (*Id.* ¶ 12.)

The court finds defendants' arguments persuasive, and so will grant the motion as follows:

1. Defendants are granted leave to file under seal **WCI Procedure Number 814.03**, entitled "Subject: Use of Incapacitating Agents," dated March 27, 2000 (attached as Exhibit 1011 to the Affidavit of Donald Strahota), and **WCI Procedure Number 814.11**, entitled "Subject: Cell Entries and/or Extractions," dated March 27, 2000 (attached as Exhibit 1012 to the Affidavit of Donald Strahota).

2. The clerk is directed to keep under seal the above two prison policies, unless and until otherwise ordered by this court.

SO ORDERED.

Dated this 2nd day of November, 2006.

s/ William C. Griesbach
William C. Griesbach
United States District Judge